

Remarks

Claims 1-8, 12-14, 17 and 19 are pending in this application. Claims 9-11, 15-16, 18 and 20 were previously cancelled. In an office action dated June 11, 2009, examiner has rejected all pending claims and objected to the word “novel” in the title. Applicants have amended the specification by deleting the word "novel.”

Examiner has rejected Claim 17 under 35 U.S.C. 112, second paragraph stating “it is not clear what is meant by "related diseases.” Applicants have amended Claim 17 to remove the phrase “related disease.”

Examiner has rejected claims 1-8, 12-14, 16, 17 and 19 under 35 U.S.C 102(b) as being anticipated by WO 01/0121577. In response, Applicants have amended claim 1 and by implication claims 1-8, 12-14, 16, 17 and 19 to exclude compounds where L^1 is – $OCH_2CH_2CH_2SCH_2$ and L^2 is $-OCH_2CH_2CH_2-$ Applicants believe the amendments herein obviates the 35 U.S.C. 102(b) rejection with respect to WO 01/0121577.

Examiner has rejected claims 1-8, 12-14, 16, 17 and 19 under 35 U.S.C. 102(e) as being anticipated by WO 03/097047 and WO 03/087046. Regarding the 35 U.S.C. 102 (e) rejection based on the WO 03/097047 reference, applicants have amended the Claims to exclude Ar^3 which is tetraline. Applicants believe this operation removes any possible overlap between the claims of the instant application and the WO 03/087046 reference thus obviating the rejection.

Regarding reference WO 03/097047, Applicants fail to appreciate Examiner’s basis for a 102 (e) rejection. Assuming for the purpose of argument only, that all else is the same in the scope of the claims in the instant application compared to the claims of WO 03/017047, the groups Ar^3 are different and should not elicit a 102(e) rejection. Ar^3 in the reference is limited to 6-membered monocyclic, aromatic, carbocyclic or heterocyclic rings . . . whereas Ar^3 in the instant application is limited to bicyclic aromatic or non aromatic groups. The word bicyclic modifies all the groups. This is supported in the specification where it states

Examples of bicyclic aromatic or non-aromatic groups for Ar_3 include C9-C14 bicyclic hydrocarbon aromatic or non-aromatic groups which may be optionally 2 or 3 substituted. Examples of bicyclic heteroaromatic rings for Ar_3 include for example, benzofuran, benzimidazole, benzoxazole, benzothiazole, benzoisothiazole, naphtho[2,3-b]thiophene, isoquinoline, quinoline, indole, quinoxaline, naphthyl, tetrahydronaphthyl,

phenanthridine, phenothiadine, phenoxazine, naphthylidene, quinazoline, carbazole, b-carboline, acridine, phenazine, phthalimido, and thioxanthene all of which may be 2-5 optionally substituted. Optional substituents on the bicyclic group Ar³ include oxo, amino, hydroxy, oxo, amino, C₁-C₈ alkyl, C₂-C₈ alkenyl, C₂-C₈ alkynyl, phenyl, CO-C₈ alkyl, C(O)-C₈ alkyl, CO(O)-C₁-C₈ alkyl, halo, and C₁-C₈ haloalkyl (page 6 of published instant application).

Nevertheless, Applicants have amended claim 1 to remove the phrase “aromatic or non-aromatic”. Applicants believe withdrawal of the 102(e) rejection over WO 03/097047 is proper.

In view of the foregoing, Applicants believe all rejections and objections have been satisfactorily addressed and that withdrawal of said rejections and objections is proper.

Applicants respectfully request favorable consideration of the claims in view of the amendments herein.

Respectfully submitted,

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